IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.5784 OF 2005

Shree Chanakya Education Society Petitioner

Vs.

All India Council for Technical Education & anr. Respondents

Mr. V.P. Sawant with Mr. Hitesh Jain i/b M/s. Udwadia & Udeshi for petitioner.

Ms.Beena Menon for Resp.no.1.

Mr.A.A.Kumbhkoni, Advocate General with Mr.V.P. Malvankar for Resp.No.2.

CORAM: F.I.Rebello &
Dr.D.Y.Chandrachud,JJ.

September 14, 2005.

ORAL ORDER :

. The petitioner has approached this Court against the letter of the respondent no.1 dated July 4, 2005 whereby the in-take for the academic year 2005-06 was reduced to 174. The approved intake capacity for the academic year 2004-05 was 180. The respondent no.1 brought to the attention of the petitioners by the said letter dated July 04, 2005 that they were having following deficiencies:

(1) There was land short fall of 60%.

(2) Against the requirement of 24 faculty members, the Institute had 20 members only, causing shortfall of 4 members.

Further there was excess admission of five seats made during the year 2004-2005. It was also pointed out that the building premises and facilities are being shared with the other courses like MCM & MPM of Pune University.

. It is the case of the petitioners that by letter dated August 20, 2005 they had preferred an appeal to the Chairman, All India Council for Technical Education pointing out that they have either removed the deficiencies or there were no deficiencies. So far as the faculty members are concerned, it was pointed out that four faculty members have been appointed. Considering the clarification the respondent no.1 was requested to restore the intake capacity. On failure of the respondent no.1 to do so, the petitioners have moved this Court.

. The power to fix the intake capacity has been conferred on the respondent no.1. The respondent no.1 has taken a decision and communicated the same to the petitioners by letter dated 4th July 2005 and brought to the notice of the petitioners the various deficiencies as set out in Annexure "A" as enclosure to the letter dated 4th July 2005. Having considered the said deficiencies pointed out and when the appeal preferred by the petitioners has not been considered, we do not think it fit for this Court to exercise its extraordinary jurisdiction in the exercise of a statutory power conferred on respondent no.1. This Court could have exercised its jurisdiction if it was a case of arbitrary exercise of power or failure to comply with procedural requirements before taking the decision. That is not the case here.

. In view of the above, the petition stands disposed of.

(F.I.REBELLO,J.)

(DR.D.Y.CHANDRACHUD,J.)